

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TERRENCE C RHODES

v.

LEWISVILLE POLICE
DEPARTMENT

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CIVIL CASE NO. 4:20-CV-007-SDJ

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 2, 2020, the Report of the Magistrate Judge, (Dkt. #38), was entered containing proposed findings of fact and recommendations that Defendant Lewisville Police Department’s Rule 12(b)(6) Motion to Dismiss and Brief in Support, (Dkt. #15), be granted, and Plaintiff’s Motion to Amend Claim According to Fed. R. Civ. P. 15(a), (Dkt. #25), be denied due to futility of amendment. Having assessed the Report, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Defendant Lewisville Police Department’s Rule 12(b)(6) Motion to Dismiss and Brief in Support, (Dkt. #15), is **GRANTED** and Plaintiff Terrence C. Rhodes’s suit is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff Terrence C. Rhodes’s Motion to Amend Claim According to FED. R. CIV. P. 15(a), (Dkt. #25), is **DENIED**.

So ORDERED and SIGNED this 11th day of February, 2021.

A handwritten signature in black ink, appearing to read "Sean D. Jordan", is written over a horizontal line.

SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE